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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 MICHAEL ANTHONY PIÑA,

10 Petitioner,

11 v.

12 ELDON VAIL, et al.,

13 Respondents.

Case No. 08-CV-0511-MJP-JPD

ORDER OF DISMISSAL

14 The Court, after careful consideration of Petitioner's 28 U.S.C. § 2254 petition for writ  
15 of habeas corpus, the Report and Recommendation of the Honorable James P. Donohue, the  
16 governing authorities and the balance of the record, does hereby find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation.
- 18 (2) The Court has reviewed Petitioner's Objections. (Dkt. No. 21.) First, the  
19 Court agrees with Magistrate Judge Donohue's conclusion that the majority of  
20 Petitioner's grounds were not properly exhausted at the state level. (See Dkt.  
21 No. 18 at 6-8.) Second, the Court agrees with Magistrate Judge Donohue's  
22 conclusion that McKune v. Lile, 536 U.S. 24 (2002), disposes of Petitioner's  
23 objections related to his polygraph examination.
- 24 (2) The habeas petition is DENIED and this case is DISMISSED with prejudice.  
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1 (3) Petitioner's motion for leave to amend post-conviction complaints (Dkt. No. 16)  
2 is DENIED.

3 (4) The Clerk is directed to send copies of this Order to all counsel of record and to  
4 Judge Donohue.

5 DATED this 9th day of May, 2009.

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8 Marsha J. Pechman  
9 United States District Judge  
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